

In addition to the cases prosecuted by the USDOJ in Federal court, there were numerous criminal and civil convictions in odometer fraud cases in State and local courts. For instance, the Iowa Attorney General's office referred 30 odometer fraud cases to County Attorneys for prosecution, and the California Department of Motor Vehicles reported 660 convictions for odometer fraud in 1993. These figures represent only a fraction of the total number of odometer fraud cases prosecuted nationwide.

Petitioner has cited no burden that the hand-printing requirement imposes on itself or its members. The only concern it expresses is that a dealer that receives a title from state authorities who have rejected it because of failure to meet the hand-printing requirement will hand-print the name of the person from whom it purchased the vehicle rather than sending it back to that person to hand-print their name. This practice is of concern to NHTSA because it is a violation of its regulations. However, the better solution to the problem seems to be to educate dealers on the importance of obtaining hand-printed names in the first instance, rather than dispensing with the requirement altogether. Dealer organizations such as that represented by petitioner can play an important role in ensuring that dealers are fully informed of the requirements of the Federal odometer disclosure law.

For the foregoing reasons, the petition is denied.

Issued on: May 24, 1995.

John Womack,

Acting Chief Counsel.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 950522140-5140-01; I.D. 050595E]

RIN 0648-XX22

Summer Flounder Fishery; 1995 Recreational Fishery Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to amend the regulations

implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP). This rule proposes season dates, a possession limit, and a minimum fish size for the 1995 recreational fishery. The recreational season would be open from January 1 through December 31, with a possession limit of 6 fish per person and a minimum fish size of 14 inches (35.6 cm). The proposed 1995 season, possession limit, and minimum fish size are specified to achieve the 1995 coastwide recreational harvest limit, which is 7.8 million lbs (3.5 million kg).

DATES: Public comments are invited through June 23, 1995.

ADDRESSES: Comments should be sent to, and copies of the environmental assessment (EA) prepared for the 1995 summer flounder specifications are available from the Regional Director, NMFS, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, 508-281-9101.

SUPPLEMENTARY INFORMATION:

Section 625.20 of the regulations implementing the FMP outlines the process for determining annual commercial and recreational catch quotas and other restrictions for the summer flounder fishery. The Summer Flounder Monitoring Committee (Committee), made up of representatives from the Atlantic States Marine Fisheries Commission, the Mid-Atlantic Fishery Management Council (Council), the New England Fishery Management Council, and NMFS, is required to review, on an annual basis, scientific and other relevant information and to recommend a quota and other restrictions necessary to achieve a fishing mortality rate of 0.53 in 1993 through 1995, and 0.23 in 1996 and thereafter. This schedule of fishing mortality rates is mandated by the FMP to prevent overfishing and to rebuild the summer flounder resource. The Committee reviews the following information annually: (1) Commercial and recreational catch data; (2) current estimates of fishing mortality; (3) stock status; (4) recent estimates of recruitment; (5) virtual population analysis, a method for analyzing fish stock abundance; (6) levels of regulatory noncompliance by fishermen or individual states; (7) impact of fish size and net mesh regulations; (8) impact of gear, other than otter trawls, on the mortality of summer flounder; and (9) other relevant information. Pursuant to § 625.20, after this review the Committee recommends management measures to ensure achievement of the appropriate fishing mortality rate. These

measures include: (1) Commercial quota, (2) commercial minimum fish size, (3) minimum mesh size, (4) recreational possession limit within the range of 0 to 15 fish per person per day, (5) recreational minimum fish size, (6) recreational season, and (7) restrictions on gear other than otter trawls.

Measures (1), (2), (3), and (7) above were implemented on February 10, 1995 (60 FR 8958, February 16, 1995). The management measures contained in the final specifications were: (1) A coastwide commercial quota of 14.7 million lbs (6.7 million kg), (2) a coastwide recreational harvest limit of 7.8 million lbs (3.5 million kg), (3) no change from the present minimum commercial fish size of 13 inches (33 cm), and (4) no change in the present minimum mesh-size restriction of 5½-inch diamond (14.0 cm) or 6-inch square (15.2 cm).

The recreational season, possession limit, and minimum size were not established as part of the final specifications because recreational catch data for 1994 was not available for the Committee's use in evaluating the effectiveness of the 1994 season and possession limit. Shortly after this data became available, the Committee met to review the 1994 data and to recommend measures for 1995. The Committee recommended elimination of the closed season, an individual possession limit of 6 fish per person, and a minimum fish size of 14 inches (35.6 cm).

These recommendations were adopted by the Council's Demersal Species Committee on March 14, 1995, but the possession limit was revised by the "full" Council at its meeting of March 15-16, 1995. The Council's recommendation to the Director, Northeast Region, NMFS (Regional Director) was for elimination of the closed season in 1995, an individual possession limit of 8 fish per person, and a minimum fish size of 14 inches (35.6 cm).

On April 12, 1995, the Regional Director disapproved the Council's recommendation, citing inconsistency with the Council's earlier recommendation to the Regional Director to take all appropriate actions to ensure that the target fishing mortality rate is not exceeded in 1995. The Regional Director informed the Council that their recommendation, being less restrictive than measures imposed in 1994, was inconsistent with their earlier expressed concern. The Regional Director invited the Council to reconsider and develop a proposal that would address the inconsistency without compromising conservation.

On April 19, 1995, the Council adopted the original recommendation of the Committee and submitted it to the Regional Director for review. This recommendation, which is proposed in this action, contains the following measures: Elimination of the closed season, an individual possession limit of 6 fish per person, and a minimum fish size of 14 inches (35.6 cm).

Upon publication of the final rule, the recreational fishing measures for 1995 that are contained in the rule are likely to become effective with less than a 30-day delay in effective date, because the season has already started and measures that would be imposed either would remove a restriction or do not require time to come into compliance.

Classification

This action is authorized by 50 CFR part 625 and complies with the National Environmental Policy Act. An EA, which analyzed the impacts and consequences of the alternative harvest levels, was prepared as part of the rulemaking that established the 1995 fishery specifications, including the coastwide recreational harvest level. This proposed rule contains the recreational season and possession limit that can best achieve the specified

harvest level, and has no effects that were not previously analyzed in the EA.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, such as the charter boats and head boats that serve the recreational fishery. The combination of management measures (minimum fish size, lack of a closed season, and the six-fish possession limit) should allow recreational fishermen to harvest summer flounder at a level close to, or slightly below the coastwide harvest limit for this fishery. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 625

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 23, 1995.

Richard H. Schaefer,

*Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reasons set out in the preamble, NMFS proposes that 50 CFR part 625 be amended to read as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

Authority: 16 U.S.C. 1801, *et seq.*

2. Section 625.22 is revised to read as follows:

§ 625.22 Time restrictions.

Vessels that do not possess a moratorium permit under § 625.4 and fishermen subject to the possession limit may fish for summer flounder during the period January 1 through December 31. This time period may be adjusted pursuant to the procedures in § 625.20.

3. In § 625.25, the first sentence of paragraph (a) is revised to read as follows:

§ 625.25 Possession limit.

(a) No person shall possess more than six summer flounder in or harvested from the EEZ unless that person is the owner or operator of a fishing vessel issued a moratorium permit under § 625.4. * * *

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